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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/922,501	08/03/2001	Veronique A. Dartois	P-SR 4877	7325
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5100 7590 03/25/2003

GENENCOR INTERNATIONAL, INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

PATTERSON, CHARLES L JR

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,501

Applicant(s)

DARTOIS ET AL.

Examiner

Charles L. Patterson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-16, 20-40, drawn to a nucleic acid molecule of SEQ ID NO: 1 or encoding SEQ ID NO: 2, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2.
- II. Claims 1-18, 20-40, drawn to a nucleic acid molecule of SEQ ID NO: 3 or encoding SEQ ID NO: 4, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2.
- III. Claims 1-16, 20-40, drawn to a nucleic acid molecule of SEQ ID NO: 5 or encoding SEQ ID NO: 6, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2.
- IV. Claims 1-40, drawn to a nucleic acid molecule of SEQ ID NO: 7 or encoding SEQ ID NO: 8, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making

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the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2.

- V. Claims 1-16, 19-40, drawn to a nucleic acid molecule of SEQ ID NO: 9 or encoding SEQ ID NO: 10, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2.
- VI. Claims 1-16, 20-40, drawn to a nucleic acid molecule of SEQ ID NO: 11 or encoding SEQ ID NO: 12, a vector containing the nucleic acid molecule, a bacterial cell containing the vector, an oligonucleotide comprising part of the nucleic acid molecule, a method of making the nucleic acid molecule and a method of using the isolated nucleic acid, classified in class 435, subclass 252.3, 320.1 and class 536, subclass 23.2.
- VII. Claims 40-46, drawn to a polypeptide of SEQ ID NO:2, classified in class 435, subclass 195.
- VIII. Claims 40-46, drawn to a polypeptide of SEQ ID NO:4 classified in class 435, subclass 195.
- IX. Claims 40-46, drawn to a polypeptide of SEQ ID NO:6, classified in class 435, subclass 195.
- X. Claims 40-46, drawn to a polypeptide of SEQ ID NO:8, classified in class 435, subclass 195.
- XI. Claims 40-46, drawn to a polypeptide of SEQ ID NO:10, classified in class 435, subclass 195.

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- XII. Claims 40-46, drawn to a polypeptide of SEQ ID NO:12, classified in class 435, subclass 195.
- XIII. Claims 47-48, drawn to an antibody specific for SEQ ID NO:2, classified in class 530, subclass 387.9.
- XIV. Claims 47-48, drawn to an antibody specific for SEQ ID NO:4, classified in class 530, subclass 387.9.
- XV. Claims 47-48, drawn to an antibody specific for SEQ ID NO:6, classified in class 530, subclass 387.9.
- XVI. Claims 47-48, drawn to an antibody specific for SEQ ID NO:8, classified in class 530, subclass 387.9.
- XVII. Claims 47-48, drawn to an antibody specific for SEQ ID NO:10, classified in class 530, subclass 387.9.
- XVIII. Claims 47-48, drawn to an antibody specific for SEQ ID NO:12, classified in class 530, subclass 387.9.

Groups I-VI are grouped according to what they apparently claim. It is unclear exactly what claims 17-19 are intending to claim but it is presumed that they are claiming a cell with an additional nucleic acid molecule (i.e. two of nucleic acids encoding SEQ ID NO:2, 4, 6, 8, 10 and 12). If this is incorrect, applicants should so state in their reply and the groups will be adjusted appropriately.

The inventions are distinct, each from the other because:

The products of Groups (I-VI), (VII-XII) and (XIII-XVIII) are completely different and are patentably distinct. The groups within the instant grouping are drawn to completely different sequences which are structurally different and a patentably distinct.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different

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classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 703-308-1834. The examiner can normally be reached on Monday - Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone number is 703-308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


Charles L. Patterson, Jr.
Primary Examiner
Art Unit 1652

Patterson
March 24, 2003